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5 *Attorneys for Plaintiff*
**Admitted pro hac vice*
6

7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE DISTRICT OF ARIZONA**

9 IN RE BARD IVC FILTERS
10 PRODUCTS LIABILITY LITIGATION
11

No. MD-15-02641-PHX-DGC

**FIRST AMENDED MASTER SHORT
FORM COMPLAINT FOR DAMAGES
FOR INDIVIDUAL CLAIMS**

12 Plaintiff(s) named below, for their Complaint against Defendants named below,
13 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.364).
14 Plaintiff(s) further show the Court as follows:

15 1. Plaintiff:

16 David Pearson

17 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
18 consortium claim:

19 N/A

20 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
21 conservator):

22 N/A

4. Plaintiff's state(s) [if more than one Plaintiff] of residence at the time of implant:

North Carolina

5. Plaintiff's state(s) [if more than one Plaintiff] of residence at the time of injury:

North Carolina

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

North Carolina

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the Eastern District of North Carolina, Southern Division

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☒ Recovery® Vena Cava Filter

☐ G2® Vena Cava Filter

☐ G2® Express (G2®X) Vena Cava Filter

☐ Eclipse® Vena Cava Filter

☐ Meridian® Vena Cava Filter

☐ Denali® Vena Cava Filter

☐ Other: _____

11. Date of Implantation as to each product:

June 18, 2004

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

- 1 ☒ Count X: Breach of Express Warranty
- 2 ☒ Count XI: Breach of Implied Warranty
- 3 ☒ Count XII: Fraudulent Misrepresentation
- 4 ☒ Count XIII: Fraudulent Concealment
- 5 ☒ Count XIV: Violations of Applicable North Carolina state Law
- 6 Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
- 7 ☐ Count XV: Loss of Consortium
- 8 ☐ Count XVI: Wrongful Death
- 9 ☐ Count XVII: Survival
- 10 ☒ Punitive Damages
- 11 ☐ Other(s): _____ (please state the facts supporting
- 12 this Count in the space immediately below)

13 N/A

14

15 RESPECTFULLY SUBMITTED this 25th day of April, 2016.

16

17 /s/ T. Matthew Leckman
18 T. Matthew Leckman*
19 Michael Daly*
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 Attorneys for Plaintiff

*Admitted pro hac vice

1 I hereby certify that on this 25th day of April, 2016, I electronically transmitted the
2 attached document to the Clerk's Office using the CM/ECF System for filing and transmittal
3 of a Notice of Electronic Filing.

4 /s/ T. Matthew Leckman
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